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U.S. DISTRICT COURT
BOSTON, MA
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U.S. DISTRICT COURT
BOSTON, MA

THE BREEN LAW FIRM

Attorneys and Counselors At Law

James J. Breen

Member of Florida & Georgia Bars

Alison W. Simon

Member of Florida Bar

PLEASE REPLY TO:
The Florida Office

Via Federal Express

Ms. Christine Patch, Docket Clerk
U.S. District Court
1 Courthouse Way, Suite 2300
Boston, MA 02210

RE: USA ex rel Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., Civil Action No. 06 11337-PBS;
USA ex rel Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc., Civil Action No. 05-11084-PBS; and
USA ex rel v. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al., Civil Action No. 07-10248-PBS
MDL 1456, Civil Action No. 01-12257-PBS, Subcategory No. 06-11337-PBS

Dear Ms. Patch:

We are counsel for Ven-A-Care of the Florida Keys, Inc., the Relator in the above referenced False Claims Act actions. As we discussed yesterday, we attempted to file a Notice of Filing Declaration of T. Mark Jones on November 3, 2009 that included multiple images. Although we adhered to the file size limitations and believed that we were following the ECF procedures, after over four hours of uploading we were unable to file the multiple images that were part of Exhibit "2" to the declaration and received multiple internal error messages. Therefore, we filed the Notice of Filing Declaration of T. Mark Jones (Master Document No. 6645, Subcategory Document No. 529) along with the declaration and other exhibits minus the images that supported a chart in Exhibit "2." We were able to serve the entirety of the Notice of Filing, including the portion of Exhibit "2" that we were unable to file on the ECF system, using Lexis/Nexis File and Serve. Therefore, we have served the parties to the MDL with the images at issue.

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U.S. District Court
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Per our discussion, enclosed please find one DVD containing the Notice of Filing Declaration of T. Mark Jones with all exhibits in complete form. (Master Document No. 6645, Subcategory Document No. 529) The DVD also contains an index of the exhibits to the Notice which is linked to the other files for the convenience of the Court. The chart in Exhibit "2" is also equipped with links to the various tabs of images for the convenience of the Court.

Sincerely,

/s/Alison W. Simon
Alison W. Simon
For the Firm

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INDEX TO DOCUMENTS ON DISK

1	Notice of Filing Declaration of T. Mark Jones dated 11/03/09
2	Declaration of T. Mark Jones dated 11/03/09
3	Exhibit 1 - Contains a list of drugs filed in the False Claims Actions against Abbott, Dey and Roxane at issue.
4	Exhibit 2 - Chart comprising information supporting Ven-A-Care's stature as a Relator. The documents listed in the chart are linked for your convenience.
5	Exhibit 3 - Ven-A-Care's pricing information given to the Government prior to filing on Abbott.
6	Exhibit 4 - Ven-A-Care's pricing information given to the Government prior to filing on Dey.
7	Exhibit 5 - Index to Evidence Box given to the Government prior to filing the Original Boston Complaint filed on 04/10/00.
8	Exhibit 6 - Ven-A-Care's pricing information given to the Government prior to filing on Roxane.
9 Part 1 Part 2	Exhibit 7 - Spreadsheet list of prices, by drug type, created using the McKesson Econolink Database. The spreadsheet shows prices available to Ven-A-Care, over time, for all the relevant drugs